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Box 5eq
Atty. Dkt. No. 059440-0141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ziyu Dai, et al.

Title: GENE PROMOTERS ISOLATED FROM POTATO
AND USE THEREOF

Appl. No.: 10/051,307

Filing Date: January 22, 2002

Examiner: Unassigned

Art Unit: 1638

TRANSMITTAL OF MISSING PARTS
OF PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

Attn: BOX MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed on February 19, 2002, in the above-identified application, transmitted herewith are the missing parts needed to complete the filing of the subject patent application.

Enclosed are:

- [X] Declaration and Power of Attorney (4 pages)
 - [X] Assignment and Recordation Cover Sheet
 - [X] Preliminary Amendment
 - [X] Statement to Support Filing and Submission in
Accordance with 37 C.F.R. §§ 1.821-1.825
 - [X] ASCII Diskette of Sequence Listing
 - [X] Paper Copy of Sequence Listing
 - [X] Return Copy of Notice to File Missing Parts
- 1

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The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$740.00	\$740.00
Total Claims:	17	- 20	= 0	x \$18.00	= \$0.00
Independents:	9	- 3	= 6	x \$84.00	= \$504.00
If any Multiple Dependent Claim(s) present:				+ \$280.00	= \$0.00
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration and late payment of filing fee				+ \$130.00	= \$130.00
				SUBTOTAL:	= \$1374.00
[X] Small Entity Fees Apply (subtract ½ of above):					= \$687.00
				TOTAL FILING FEE:	= \$687.00
				TOTAL FEE	= \$687.00
Difference to pay:				- \$0.00	- \$687.00

[X] Check in the amount of \$727.00 in payment of \$622.00 excess claims and fee; \$40.00 recordation fee and \$65.00 surcharge fee (37 C.F.R. § 1.16(e))

[] Please charge Deposit Account No. 19-0741 in the amount of \$0.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Date 4/19/02 Respectfully submitted,
By [Signature] 35,087 *for*
Richard C. Peet
Attorney for Applicant
Registration No. 35,792

FOLEY & LARDNER
Customer Number: 22428



22428

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6



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APR 19 2002

1048

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/051,307	01/22/2002	Ziyu Dai	059440-0141

22428
FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

CONFIRMATION NO. 4790

FORMALITIES LETTER



OC000000007495856

Date Mailed: 02/19/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$252.
 - \$252 for 6 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 687.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

04/22/2002 HTECKLU1 00000041 10051307

01 FC:201
02 FC:202
03 FC:205

370.00 OP
252.00 OP
65.00 OP

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE